



**STATE OF MICHIGAN**  
**BEFORE THE JUDICIAL TENURE COMMISSION**

**COMPLAINT AGAINST:**

**FORMAL COMPLAINT NO. 79**

**HON. DAVID MARTIN BRADFIELD**  
**Judge, 36<sup>th</sup> District Court**  
**Detroit, MI 48226**

Hon. J. Richard Ernst  
Master

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

On June 7, 2005, the Michigan Judicial Tenure Commission filed the present complaint against the Honorable David Martin Bradfield, alleging that two (2) separate incidents occurred, each of which constituted a violation of Judge Bradfield's "judicial and professional duties." On order of the Supreme Court entered June 14, 2005, the undersigned, J. Richard Ernst, retired judge of the 23<sup>rd</sup> Judicial Circuit Court, was appointed Master to hear said complaint. By stipulation of the parties, an evidentiary hearing was held on August 24, 2005, in Courtroom 710 of the Frank Murphy Hall of Justice, Detroit, Michigan. At the conclusion of the hearing oral arguments were made, the parties agreed to waive submission of written supplemental briefs, and that the issues were simply to be considered and resolved by the Master.

At all relevant times, respondent was a judge of the 36<sup>th</sup> District Court, City of Detroit, Wayne County, Michigan. Neither event occurred in the courtroom, or involved a case or a litigant appearing before Judge Bradfield. Nevertheless, on each occasion Judge Bradfield's office as a judge of the 36<sup>th</sup> District Court was directly implicated in his challenged conduct.

## COUNT I

The first count involves an altercation that occurred on Monroe Street outside the offices of the 36<sup>th</sup> District Court, between Judge Bradfield and Mr. Anthony Adams, Deputy Mayor of the City of Detroit and the husband of 36<sup>th</sup> District Judge Deborah Ross Adams

Parking on both sides of Monroe Street adjacent to the building housing the 36<sup>th</sup> District Court is restricted to vehicles of judges of the Court. Facing the court building from Monroe Street, the public entrance is to the left and a private entrance for judges and authorized personnel is on the right. (See Exhibit I.)

Around noon on the date in question, Judge Bradfield, driving his personal vehicle, returned to the courthouse intending to park on Monroe Street. Mr. Adams, driving a city-owned automobile, was waiting in the parking area outside the judges' entrance to pick up his wife, Judge Ross Adams, for lunch. At this time, it appears that there were vacant parking spaces on Monroe Street available

to Judge Bradfield, although Judge Bradfield asserts that a space only became available after his arrival. Nevertheless, Judge Bradfield pulled up along side the Adams vehicle, without recognizing Mr. Adams as the Deputy Mayor and/or husband of Judge Ross Adams, and spoke to Mr. Adams. At this point, the narratives of the incident proffered by Judge Bradfield and Mr. Adams diverge, and the salient portions of the testimony relied upon in resolution of the issues raised by the examiner will be set forth.

#### Testimony of Mr. Anthony Adams

According to the testimony of Mr. Adams:

A. He pulled up his car and told me to move my mother fuckin' car or he would have my ass ticketed and towed.

Q. Now, was that the first statement he said to you?

A. Yes.

Q. And those were his words?

A. Those were his words.

Q. Had you said anything to him at that point?

A. No. I just looked at him.

Q. What else did he say, if anything?

A. Well, after I didn't respond to his order - - and that's what it was - - he backed his car back and wav - - motioned to the police officer who was

stationed in the door. And she came out, and she said, Mr. Adams, help me out, kind of knowing like you know how this guy is, could you please move your car up.

(Transcript page 31, lines 7-21)

Referring to Exhibit 1, Mr. Adams testified that his vehicle had been standing where the blue minivan is located, and that after Judge Bradfield's initial statement he moved his car forward about half way to where the silver car is located. Again, Judge Bradfield pulled up to the Adams vehicle and said, "[M]ove your car or I'll have your ass ticketed and towed." (Transcript page 32, lines 16 – 17). At this point, Mr. Adams related that his wife's clerk, Ms. Webb, emerged from the judges' door, came up to his automobile, and informed him that his wife "was still in a court proceeding and that I would have to come up and wait for her."

(Transcript page 32, lines 23 – 25)

Mr. Adams continued (referring to Exhibit 1):

A. I was parked in front of that black Mercedes because I was close to - - there was a sign right there. I pulled up parallel with that sign. You can just kind of see there's a street light, and then there's some kind of a sign that says, I don't know, court authorized parking. I pulled my car up to there.

I then got out of my car and began walking back with my wife/s clerk  
toward the judges' door, which I'm authorized to use

(Transcript page 33, line 11 = 19.)

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A. As soon as I got to the door, Judge Bradfield, I guess, quickly parked his  
car and came up, and he grabbed me by my shoulder and pulled me out the  
door.

He says, you're not authorized to use this door, started screaming and a lot  
of profanities, telling me I was a mother fucker, he was street, and he  
basically would kick my ass.

Q. Is that what he said?

A. That's what he said. He continued to - - he took his hand and continued to  
physically poke me in my chest, not once, not twice, but at least five times.

Q. Where?

A. In my chest right up here by my heart.

Q. And could you demonstrate?

A. I'll kick your ass, mother fucker; I'm street; I'll kick your ass.

Q. And is that how he said it? With this type of repetition?

A. Yes. It was a very nasty tone; it was very denigrating; it was very  
disrespectful.

(Transcript page 33, line 24 – page 34, line 18)

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Q. What does that mean, “I’m street?”

A. It means I’m a tough guy, and I can whip your butt.

(Transcript page 34, lines 22 – 23)

At this point, Mr. Adams accompanied Mr. Webb to the public entrance to the court building and up to his wife’s chambers. Mr. Adams’ subsequent testimony about his return to the vestibule area inside the “judges’ door and 2<sup>nd</sup> encounter with Judge Bradfield, as well as his visit to Chief Judge Atkins’ chambers at her request later that afternoon, is all corroborated though the testimony of Judge Ross Adams, Ms. Webb, DPD Officer Gray, and Judge Atkins.

#### Testimony of Ms. DiAnn Webb

Ms. DiAnn Webb identified herself as the clerk of Judge Ross Adams, and testified that she was asked by her judge to go to the “judges’ door”, find Mr. Adams, and escort him up to his wife’s chambers. She related that she had left the court house through the “judges’ door,” approached Mr. Adams as he was exiting his automobile, and informed him that he should accompany her to Judge Ross Adams’ office. As they were approaching the door, Judge Bradfield also was on his way to that entrance, whereupon he turned around and started yelling at Mr. Adams. Ms. Webb testified:

Q. What did he say to Mr. Adams?

A. Stated that he could not come in and was poking Mr. Adams and calling him a bunch of mother fuckers at that time, too.

Q. He was saying - - Judge Bradfield was saying that to Mr. Adams?

A. Yes.

Q. What else did he say? Mr. Ad - - Judge Bradfield?

A. That - - he told him that he could not enter into the judges' entrance, and he would go - - he can go to the street - - in that sense of a threatening manner to him, he can go to the street, but he's not a judge, and he's not allowed to come in the judges' entrance.

Q. When did Judge Bradfield poke Mr. Adams in the chest?

A. That was - - when we were getting ready to go in the building, he did the poking at that time.

\* \* \*

Q. Was he saying anything at the same time?

A. Yes. That's when he told him he was not a judge; he couldn't use that entrance. And he called him a mother fucker again and said he would go, you know, to the street with him, more or less.

(Transcript page 130 line 9 – 24; page 131 line 3 - 5)

On the other hand, Ms. Webb described Mr. Adams' demeanor as "very good. He was a perfect gentleman," and asserted that he used no type of profanity, no type of swear words, nor did anything belligerent or aggressive.

Upon returning with Mr. Adams to Judge Ross Adams' chambers, she informed the Judge what had transpired between Mr. Adams and Judge Bradfield. Whereupon Judge Ross Adams, accompanied by her husband and clerk Webb, took the elevator to the vestibule by the judges' door to see Officer Gray. Minutes later Judge Bradfield also emerged from the elevator into the vestibule area and promptly accosted Judge Ross Adams and Mr. Adams. Ms. Webb related:

Q. And what happened?

A. At that particular time, Judge Bradfield started poking - - started putting his finger in my - - in Judge Ross Adams' face, directly in his face - - in her face, getting belligerent with her to a degree because my judge asked what was going on.

\* \* \*

A. He was telling my judge that he didn't know who Mr. Adams was; he's not a judge and he could not come up on the judges' elevator. And my judge asked that he take his finger out of her face.

Q. Did Judge Bradfield use any profanity at that time?

A. Yes.



Q. What was he saying?

A. He called Mr. Adams a mother fucker.

(Transcript page 133 lines 8 – 13; line 19 – page 134 line 2)

Testimony of Officer Sheila D. Gray

Officer Sheila D. Gray, City of Detroit Police Department, was stationed on duty at the “judges’ door on the day in question. Officer Gray did not overhear the initial conversation between Judge Bradfield and Mr. Adams. She testified that she did not recall hearing any profanity. Nonetheless, her testimony that, when asking Mr. Adams to move his vehicle, she “told him he need to - - somebody need to be the bigger person and move,” and that, “I was trying to deescalate the situation,” certainly implies that she regarded Judge Bradford as being emotionally upset toward Mr. Adams over his vehicle standing in a parking area reserved for judges. (Transcript Page 159 lines 10 – 11, 13)

Officer Gray further testified:

R. How was he speaking?

A. It was loud and aggressive.

Q. And Mr. Adams, how was he speaking?

A. He - - he really didn’t say anything.

Q. Did you see Judge Bradfield touch Mr. Adams at all?

A. Yes.

Q. What did you see?

A. I seen Judge Bradfield poke him with his finger - - fingertip.

Q. Judge Bradfield used his own fingers to poke Mr. Adams in the chest?

A. Yes.

R. Was anything said at that time?

A. Me - - because of the situation, I said something right here to Judge Bradfield that he couldn't do that, and I stood in between the two of them. (See Exhibits 2 and 3)

(Transcript page 162 lines 3 – 18)

\* \* \*

Q. What kind of language was Judge Bradfield using at the time?

A. I can't remember what was he said, but I know his tone was loud and aggressive.

Q. But you don't recall hearing any profanity?

A. No.

Q. Where did - - how did you separate the two to resolve the situation?

A. I told the deputy mayor to go through the front door, and Judge Bradfield went on up in the elevator.

(Transcript Page 163 lines 4 – 13)

### Testimony of Officer Morris C. Syfax

Officer Morris C. Syfax, City of Detroit Police Department, who relieved Officer Gray during her lunch hour, testified that he followed Judge Bradfield into the court building through the “judges’ door.” As he entered, he observed the elevator door open and Judge Ross Adams and her husband, Mr. Adams, emerge. Officer Syfax testified that Judge Ross Adams appeared “excited and disturbed about what was going on,” (Transcript page 235 lines 3-4). He also noted that Judge Bradfield “was explaining about the parking. And, no, he didn’t seem like he was upset. He was just explaining to the gentleman, listen, I didn’t know who you were, all right? But as things went on, he got excited.” (Transcript page 237 lines 6 – 10)

Officer Syfax continued on cross-examination:

Q. Did you hear Judge Bradfield use any profanity?

A. Yes, I did.

Q. What did you hear him say?

A. I heard him say, mother fucker, I can go street.

(Transcript page 240 lines 3 – 6)

### Testimony of Judge David M. Bradfield

Judge Bradfield in his testimony essentially agreed with Mr. Adams’ description of the incident, although minimizing his use of vulgar language. He

acknowledged that, while addressing Mr. Adams, he used the term “mother fucker” on at least 2 occasions, although he asserts that Mr. Adams first used the term to him.

Judge Bradfield:

A. When I rolled down my window, that’s exactly what I said. I appointed to the sign and said, you can’t park here.

Q. I mean was your tone such as what it is now? Was it - -

A. Absolutely.

Q. Okay. And what did Mr. Adams say, if anything?

A. He looked at me and said, take a pill.

Q. Okay. And what, if anything, did you say after that?

A. I stopped right then and there, based on prior experiences that Mr.

Fischer’s well aware of, and I didn’t do anything for a few seconds.

Then I said, you know, you can be ticketed or towed here. No response.

Q. Okay.

A. Then I said, after a few more seconds passed - - I’d say this whole thing took about a minute and a half to two minutes. I looked at him and said, you know - - I’m Judge Bradfield. And before I could say anything further because I was going to go into my Oklahoma spiel, the next thing out of his mouth was, we know who you are, Mother Fuckers.

Q. All right. And what did you say?

A. I said, I can be as street as you are. Move the mother fuckin' car.

(Transcript page 265, line 25 – page 266, line 23)

A. The second time I used it was in the context of when he wouldn't respond to his wife about - - and come clean with what he had said to me to provoke this incident in the first place. Then I looked at him and said, I can be as street as you are, Mother Fucker; the same type of an emphasis type of thing.

(Transcript page 279, lines 5 – 10)

Judge Bradfield has acknowledged, and continues to acknowledge, that he was wrong to have resorted to 'street vernacular.' He stated, "I admit that I used improper language. I told you the reason why, and I continue to admit that it's improper for a judge to use that kind of language." (Transcript page 301 lines 15 – 17)

Judge Bradfield also acknowledged touching Mr. Adams as alleged, although suggesting that it was only to obtain Mr. Adams' attention to his gesture indicating the public entrance to the court building.

Q. That's right after you thumped Mayor - - Deputy Mayor Adams in the chest?

A. No. I didn't thump him in the chest.

Q. You said it was an intentional touching.

A. I said I did like that (indicating), and pointed to the door.

Q. Was that after you touched him?

A. After -- to get his attention -- as he was looking at the officer, to get his attention, I said, then you go down here to the door.

(Transcript page 298, lines 2 – 11. See also: Transcript page 272, lines 12 --23)

Judge Bradfield's explanation of his haste to intercept Mr. Adams at the "judges' door" is that he feared for the safety of Officer Gray and Ms. Webb when Mr. Adams exited his vehicle and approached the door. Although Mr. Adams was then attired in a suit and tie, (concededly much as he appeared before the court in the instant proceeding – a distinguished looking and impeccably dressed, late middle-aged, gentleman), Judge Bradfield testified that he perceived Mr. Adams more ominously, as being potentially a well-dressed thug.

Judge Bradfield testified:

Q. Okay. So when you saw him coming towards the door, what did you do?

A. I didn't know who this 6'4" person was, what his intentions were with regard to two 5'4", 5'5" females that were standing there. Ms. Web is not that tall, and neither is the officer. I didn't know what was going on since I didn't know who this person was. So I got out of my vehicle and

went to the door and blocked him and said, you can't come in here; you have to go to the front.

(Transcript page 271 line 23 – page 272 line 7)

And again, on cross-examination:

Q But did you think at the time that he was a well dressed thug?

A. I said he could have been. When she [Judge Atkins] asked me, he could have been, and, yes, he could have been.

Q. So at the time you saw him, did you think he was a well dressed thug?

A. He could have been. In my mind, I thought -- I didn't know who he was.

Q. So he could have been a bomber, could have been a well dressed thug, somebody who was ready to attack two women, you said?

A. That is correct.

(Transcript page 296 lines 2 – 13)

\* \* \*

Q. When you saw this person you thought was a well dressed thug, the person you called over to deal with it was the 5'4" diminutive police officer?

A. She was the one in charge of that door, and that was the only person that I saw coming out of that door, and it was approximately two minutes into this.

Q. And yet when you saw Mr. Adams getting out of the car, then you want to run to the police officer's rescue, is that right?

A. There were two women. One of - - both of them were of a short stature. Mr. Adams is a large individual, and I thought that one of the possibilities was that he could be a well dressed thug since he said, we know who you are, Mother Fucker. And "we" meaning what "we?" What group is he referring to?

(Transcript page 300 line 19 – page 301 line 9)

Testimony of Judge Deborah Ross Adams

Judge Ross Adams recounted the manner in which her clerk, Ms. Webb, returned to her courtroom in a very agitated state accompanied by Mr. Adams; how she then immediately took Ms. Webb and Mr. Adams by elevator down to the vestibule to hear Officer Webb's account of what occurred; and her subsequent encounter with Judge Bradfield when he entered the vestibule from the elevator a few minutes later.

Q. Did you say anything to him?

A. After he said something to me.



Q. Okay. Did he say something to you first?

A. Yes.

Q. What did he say?

A. He started yelling and screaming at me and said, your mother fuckin' husband, your mother fuckin' husband.

Q. These are his first words that he said to you.

A. Yelling and screaming.

(Transcript Page 80 line 18 – page 81 line 1)

\* \* \*

A. I said, David, this is my husband. I said, he was here. We were going out to lunch. I said, I'm on the bench. I work hard here. What did you have to do with this situation? Why did your (sic) interject yourself in this situation?

And then he'd repeat it. He repeated what he said. He didn't tell me who he was, your mother fuckin' husband. And then he started yelling - - continued to yell and scream, and he put his hand in my face just like this (indicating).

Q. Now when you say, just like this, you're waiving your hand.

A. Like this. Like this.

(Transcript Page 81 lines 10 – 22)

\* \* \*

A. It was up in my face, a hand up in your face like this, like in this direction, like this.

Q. So it was a full - -

A. A full hand. Not a fist.

Q. Not a fist?

A. It wasn't involving a fist motion. It was like this.

Q. An open hand?

A. Yes an open hand up in my face.

Q. Did he touch you?

A. Yes he did.

Q. Do you know how many times?

A. It was like a small brush on my nose, and I told him, I said, David, take your hand out of my face.

Q. And did he?

A. Not at first.

(Transcript page 82 lines 3 – 17)

Judge Ross Adams stated that Judge Bradfield was standing within a foot of her as the incident unfolded, and that her husband, Mr. Adams was standing

immediately behind her. She identified Exhibit 4, a photo taken from the security camera tape, as accurately depicting the location and positions of the parties involved. She further testified that Judge Bradfield stated, "I'll take him to the street. He's street; I'm street. I'll go to the street with him," and that "I took it to mean that he wanted to fight, \* \* \*." (Transcript page 84 lines 13 – 14 and 18)

After the encounter with Judge Bradfield, which lasted for 6 or 7 minutes by Judge Ross Adams' estimate, she immediately placed a telephone call to Judge Marilyn E. Atkins, Chief Judge of the 36<sup>th</sup> District Court, to report the incident and request to meet with her. Judge Atkins cut short her lunch to return to the court to speak with Judge Ross Adams, after which Judge Bradfield joined them at her (Chief Judge Atkins) request. Judge Ross Adams described Judge Bradfield's demeanor as, "[y]elling and screaming, disrespectful." "[b]elligerent, arrogant, yelling and screaming at me." (Transcript page 88 line 5; lines 12 – 13) She noted that Judge Bradfield's demeanor changed and he calmed down only after having been informed by Chief Judge Atkins that Mr. Adams had authority to park on Monroe Street and to enter the building through the judges' door and elevator in his capacity as a representative of the Mayor's office.

#### Testimony of Judge Marilyn E. Atkins

Judge Atkins essentially confirmed the account of Judge Ross Adams concerning the events which took place in her office.

Judge Atkins related, referring to Judge Bradfield:

Q. What was his demeanor at the time he came?

A. At first his demeanor was he was trying to explain to - - his conversation, his conversing was more so with Judge Deborah Ross Adams, and she took issue at the way he spoke to her husband, and she began to - - as she elevated her voice, Judge Bradfield did the same, and it turned out to be finger pointing, and Judge Bradfield raised his voice at her and was shaking his finger in her face - - toward her.

Q. When you say finger pointing, at first did you mean in a literal sense or in a physical sense?

A. No, in a physical sense. As he spoke, he was leaning across the table with his finger out, pointing toward her to make his point.

Q. Did he touch her at all?

A. No, he did not.

Q. Did he use any profanity at all/

A. No, he did not.

Q. How did he describe Deputy Mayor Adams?

A. He described Deputy Mayor Adams as being street and unprofessional and that - - he called him a name.

Q. What did he call him?

A. A mother fucker.

Q. This is when Judge Bradfield was relating to you what had happened?

A. And to Judge Ross Adams. And Judge Bradfield was saying, I'm not going to take anyone talking to me like that.

Q. Do you recall Judge Bradfield saying that he thought Deputy Mayor Adams was a well dressed thug?

A. I remember that, yes.

Q. How did that come about?

A. In the explanation of - - between the - - the conversation between he and Judge Ross Adams, she was saying that, you know my husband, you know who he is. And then Judge Bradfield described him, I thought he was a well dressed thug. I remember him saying that. And then - - she really took issue with that.

(Transcript page 190 line 14 – page 192 line 1)

\* \* \*

Q. Did Judge Bradfield say that Deputy Mayor Adams had sworn at him?

A. Yes.

Q. Did he say that Deputy Mayor Adams had acted belligerently toward him?

A. Yes.

Q. Did he say that he, Judge Bradfield, had not acted belligerently?

A. He said that he was going to respond in kind. These may not be his exact words, but he was not going to take someone talking to him like that, and he was going to stand up for himself, and he said, it's a man thing.

(Transcript page 192 lines 6 - 17)

Judge Atkins stated that the question concerning use of the elevator did not arise during this meeting.

A. The issue at hand was the parking situation. Mr. Adams had received permission from Officer Gray to pull up and park and come in and wait for his wife. I don't know anything about Mr. Adams going up on the elevator.

Q. Okay.

A. Okay?

Q. Appreciate it. Did Judge Bradfield express to you that his concern was that an unauthorized person was coming into that area?

A> No. Mr. - - Judge Bradfield expressed that he didn't know who Mr. Adams was, and nobody was supposed to park in the judges' spot. It didn't have anything about somebody coming into the building or going up the elevator. It strictly had to do with who was parking in the judges' parking spot. And I got a promise from Judge Bradfield that day that he would never interfere with parking because it's covered by the DPD. And an apology was made also.

(Transcript page 203 lines 5 – 22)

Q. But were you surprised to hear what language was used at this incident?

A. No, I wasn't surprised because Judge Bradfield can really get angry.

Q. And did he?

A. Yeah. He was very angry. He was very angry, and he was putting it under the guise of protecting the parking spaces of the judges, and he didn't know who it was, and it was already taken care of, and I got a promise out of him that he would never interview (sic) with parking again.

#### Count 2

Count 2 relates to an incident which occurred on or about Wednesday, October 2, 2002, at what has been identified as the Gem Parking Structure, located on Brush Street across from the 36<sup>th</sup> District Court. Prior to that date, the 36<sup>th</sup> District Court Administrator, Mr. Otis Davis, had negotiated an agreement with Gem, effective October 7, 2002, whereby judges of the court could park their vehicles in the Gem structure. On October 2<sup>nd</sup>, Mr. Noah E. Lee was employed and on duty as parking attendant at the Gem garage.

As recounted by Mr. Lee:

Q. Now the preceding Wednesday before that agreement was to take effect, did Judge Bradfield come to the parking structure?

A. Yes, he did.

(Transcript page 208 lines 10 – 13)

\* \* \*

Q. What kind of a car was he driving?

A. He was driving - - it's like a Corvette. It was like gray - - grayish silver, I think is the color of it.

Q. Corvette?

A. Yes.

Q. Did he say anything to you when he came in to the structure?

A. Well, when he came in, I told him \$5.00 because I didn't know who he was, and anybody - - at the time we didn't have the computer system in, and we were charging flat rate \$5.00 all day. It didn't matter how long you stayed, it's just \$5.00 when you came in, and you would drive out. You paid as you enter.

Q. What did he say when you told him it was \$5.00?

A. Well he said he was Judge Bradfield and they had parking over there. And he had parking - - reserved parking over there, and where was his parking at.

R. So what did you do?



A. Well I told him we don't have any parking down on the first level here right now, but - - and then he proceeded to say, well, we got parking over here now, and I'm supposed to have parking over here.

R. So what happened?

A. So I told him, I said, well, I can park you over here on this side, I said, but - - and then he began to - - this has been a long time. I didn't know this incident was going to come back? But he begin to, what can I say, rant and rave that he should have parking over there, and then I pulled the letter out and showed him the letter that he was too early.

R. What kind of language was he using?

A. It was - - no cussing works.

Q. Was he using swear words or no?

A. It was - - it was - - the words he was using like - - it was like blessing me out that I should have parking down there on the first level when I didn't have parking down there. But I was still trying to explain that he was early.

Q. You said he was ranting and raving. Can you describe how he was acting? Was he still in his car?

A. Well he wasn't listening to what I was saying. This was the thing that was getting me. That he - - he had told me that he was a judge, and the first thing I said to myself, I said, well there's no problem here; I can handle this on my - - I can just put him over here on this side, and it was quite natural to my mind. I'm saying, he's a judge; he'll understand what I'm saying.

(Transcript page 208 line 23 - page 210 line 24)

\* \* \*

Q. Did you show him a copy of that document that you had received from your boss?

A. Yes, I did. I passed the document out the window to him, and he took the document and just flung the document down. He didn't read it. He wouldn't read it. And that's another thing that shocked me that, hey, here's a judge, why is he not reading it here and understanding that it's his mistake and not mine, and then I was thinking an apology was coming.

Q. Did you ever get one?

A. No. He threw the document down, and he swung his car around, and peeled rubber. And at the same time, he was trying to get out of the lot.

(Transcript page 211 line 5 – 17)

\* \* \*

Q. Did you tell this to Otis Davis at any time?

A. Yes, I did, because of the simple reason we had just got the contract from the court, and I was managing the structure, and I didn't want to feel that I had lost the contract. You never know what's going on when you're dealing with people of power. That's what - - this is my perception now.

So I automatically wanted to give Mr. Davis my side of the story.

(Transcript page 212 lines 6 – 14)

Mr. Lee certainly regarded Judge Bradfield as being a “people with power,” and that Judge Bradfield's disrespectful attitude and display of pique was upsetting to Mr. Lee. Mr. Otis Davis testimony confirmed that Mr. Lee had approached him near the time of his experience with Judge Bradfield, related what had occurred, and expressed his concerns that the incident not prejudice the parking agreement between the 36<sup>th</sup> District Court and Gem.

Judge Bradfield testified that he had no recollection of the incident, even after hearing the testimony of Mr. Lee, and that he could offer nothing either confirming or contradicting Mr. Lee's testimony. However, Mr. Lee certainly

appeared to be a credible witness, and his testimony is accepted as truthful and accurate.

### Findings of Fact

The following findings of fact are drawn from all of the testimony, including admissions, of those persons who testified at the hearing, and particularly from those portions of testimony quoted in this opinion. (Liberty was taken to include in this opinion a greater selection of *verbatim* testimony than might ordinarily be the case in order to enable the reviewer to more readily identify those portions of the record relied upon in the determination of these “findings of fact”).

#### Re: Count 1:

1. Judge Bradfield initiated the encounter with Mr. Adams while the latter was sitting in his vehicle waiting for his wife, Judge Ross Adams.
2. Judge Bradfield had no authority to supervise or enforce the parking restrictions on Monroe Street, and he was simply acting as an “officious intermeddler.”
3. When ordering Mr. Adams to move his automobile, Judge Bradfield identified himself and implied that he was acting in his official capacity as a judge of the court.

4. Judge Bradfield's contention that Mr. Adams failure to identify himself as Deputy Mayor and Judge Ross Adams' husband contributed to the resulting acrimony is specious at best, and without merit.
5. Judge Bradfield became incensed when Mr. Adams merely moved his car forward and remained standing in the "judges' parking area.
6. All witnesses who observed Mr. Adams noted his reserved demeanor and that he failed/refused to respond to Judge Bradfield's vituperations, which compels a finding that it is unlikely that Mr. Adams used the calumnious appellation alleged by Judge Bradfield. (Certainly, if Mr. Adams told Judge Bradfield to "take a pill," and even if he used the epithet as claimed by Judge Bradfield, this was insufficient provocation to justify Judge Bradfield's irrational behavior.)
7. Upon observing Mr. Adams exit his vehicle and approach the "judges' door," Judge Bradfield became further incensed and rushed to intercept Mr. Adams, physically grabbed Mr. Adams by the shoulder, poked him in the chest several times and offered to fight.

8. Officer Gray found it necessary to interpose herself between the two men to prevent further physical contact by Judge Bradfield.
9. This incident took place in public on the sidewalk outside the district court.
10. A battery, or an assault and battery, is the willful touching of the person of another by the aggressor. *Tinkler v Richter*, 295 Mich 396, 401; 295 NW 201, 203 (1940).
11. “Except as otherwise provided in this section, a person who assaults or assaults and batters an individual, if no other punishment is prescribed by law, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.” MCL 750.81(1).
12. When Judge Bradfield angrily “poked” Mr. Adams in the chest several times, he committed both a criminal and a civil assault and battery upon the person of Mr. Adams.
13. Judge Bradfield’s claim that he believed Mr. Adams possibly to be “a well dressed thug,” or possibly to be “a bomber,” and that he was acting to protect the diminutive Officer Gray and Ms. Webb is simply not credible and is not believed.

14. A few minutes later, Judge Bradfield emerged from the elevator into the vestibule of the judges' entrance, and, unfortunately, encountered Judge Ross Adams, Mr. Adams and Ms. Webb.
15. Judge Ross Adams was discussing with Officer Gray the incident involving her husband.
16. Both Judge Bradfield and Judge Ross Adams became angry and their voices were raised; however, only Judge Bradfield was heard to use vulgar epithets and to challenge Mr. Adams.
17. Mr. Adams said nothing.
18. This incident took place in the presence of Officer Gray, Officer Syfax and Ms. Webb.
19. Officer Syfax defused the situation by inducing Judge Bradfield to leave the scene and accompany him into the elevator.
20. Judge Bradfield's irrational anger continued when he was summoned to Judge Atkins' chambers and again encountered Judge Ross Adams and, later, Mr. Adams, further indicating the extent of his lack of self restraint.

21. Judge Bradfield persisted that, “I’m not going to take anyone talking to me like that,” and, “it’s a man thing,” displaying a willful readiness to escalate a confrontational situation.
22. Judge Bradfield identically worded wrote letters of apology (Exhibits 8 and 9), to Judge Ross Adams and to Mr. Adams the next day, acknowledging that his “actions were an embarrassment to myself and to the office that I hold.” Further, that “we as judges are held to a higher standard.”

Re: Count 2:

1. Effective October 7, 2002, the Gem Theater Parking Structure commenced an agreement with the 36<sup>th</sup> District Court to provide parking spaces for judges of the court.
2. On a date prior to the commencement of the agreement, Judge David Bradfield drove his vehicle into the structure, intending to park at that location, and identified himself as a judge of the 36<sup>th</sup> District Court.
3. Judge Bradfield apparently believed that the agreement was effect at that time.



4. Judge Bradfield became infuriated when he was informed that there was no parking space available for judges on that date.
5. Judge Bradfield refused to listen to the explanation offered by Mr. Lee, angrily threw to the ground the document proffered by Mr. Lee which stated the commencement date for judges to use the parking structure, refused or failed to consider an alternate parking space proposed by Mr. Lee; and recklessly sped out of the parking garage with squealing tires.
6. Mr. Lee promptly reported the incident to 36<sup>th</sup> District Court Administrator, not because of anger toward Judge Bradfield but rather from a desire to protect his employer from any retaliatory action.
7. Mr. Lee's testimony is corroborated by the testimony of 36<sup>th</sup> District Court Administrator, Mr. Otis J. Davis.
8. Mr. Lee was not shown to harbor any personal animus against Judge Bradfield, and the testimony of Mr. Lee regarding the incident is deemed credible.

Conclusions of law:

1. Judge Bradfield allowed his unreasonable and unfettered anger to govern his words and conduct, while interacting as a judge of the 36<sup>th</sup> District Court in separate incidents severally Mr. Adams and Mr. Lee, as set forth above. In each of these occasions, Judge Bradfield demonstrated an unreasonably volatile temperament and a willful absence of self-restraint. In so doing, he failed to “personally observe the high standards of conduct so that the integrity and independence of the judiciary may be preserved.” CJC Canon 1.
2. Judge Bradfield allowed his unreasonable and unmanageable anger to govern his words and conduct, while interacting as a judge of the 36<sup>th</sup> District Court in separate incidents severally Mr. Adams and Mr. Lee, as set forth above. Each incident took place, in whole or in part, in a location open to and observable by the public and involved a member of the public. This is found to constitute “irresponsible \* \* \*

conduct which erodes the public confidence in the judiciary.” CJC Canon 2A.

3. Judge Bradfield allowed his unreasonable and unmanageable anger to govern his words and conduct, while interacting as a judge of the 36<sup>th</sup> District Court in separate incidents severally Mr. Adams and Mr. Lee, as set forth above. Each incident took place, in whole or in part, in a location open to and observable by the public, and involved a member of the public. This conduct is found to constitute “conduct involving impropriety and the appearance of propriety.” CJC Canon 2A
4. Judge Bradfield, after having identified himself as a judge of the 36<sup>th</sup> District Court, allowed his unreasonable and unmanageable anger to govern his words and conduct by calling Mr. Adams an epithet, committed an assault and battery upon the person of Mr. Adams, and challenged Mr. Adams to a physical altercation. This incident took place in a location open to and observable by the public. This conduct is found to constitute a “[f]ailure to respect and observe the law and to conduct himself at all times in a manner which would enhance the public’s confidence in the integrity and impartiality of the judiciary.” CJC Canon 2B.

5. Judge Bradfield allowed his unreasonable and unmanageable anger to govern his words and conduct, while purporting to act in his official capacity as a judge of the 36<sup>th</sup> District Court, in two separate incidents, one involving Mr. Adams and the other Mr. Lee, as set forth above. Each incident took place, in whole or in part, in a location open to and observable by the public, and involved a member of the public. This conduct is found to constitute “conduct that exposes the \* \* \* the courts to obloquy, contempt, censure, or reproach.” MCR 9104(A)(2).
6. Judge Bradfield, after having identified himself as a judge of the 36<sup>th</sup> District Court, allowed his unreasonable and unmanageable anger to govern his words and conduct by calling Mr. Adams an epithet, committed an assault and battery upon the person of Mr. Adams, and challenged Mr. Adams to a physical altercation. This incident took place in a location open to and observable by the public. This conduct is found to constitute “conduct that violates a criminal law of the state \* \* \*.” MCR 9.104(A)(5).

Petitioner has alleged that the instances of conduct of Judge Bradfield in question constitutes, “Failure to be patient, dignified, and courteous to those with whom Respondent deals in an official capacity, contrary to the Code of Judicial

Conduct, Canon 3(A)(3). Canon 3(A) governs the conduct of a judge in the discharge of “Adjudicative Responsibilities.” Certainly, Judge Bradfield was not “patient, dignified, and courteous” toward Mr. Adams, Judge Ross Adams, Judge Atkins and Mr. Lee. However, Canon 3(A)(3) is found to be inapplicable to the situations which are subject to review by the Judicial Tenure Commission in the present petition, because Judge Bradfield simply was not acting in any form of adjudicative capacity on either occasion.

Petitioner has alleged that the objectionable conduct of Judge Bradfield constitutes, “Conduct which is contrary to justice, ethics, honesty or good morals, in violation of MCR 9.104(A)(3).” Although his behavior was indeed irresponsible conduct for a judge and an embarrassment to the court, Judge Bradfield’s “temper tantrums” do not demonstrably implicate “justice, ethics, or honesty.” The term “good morals,” in the broadest sense, may include behavior related to self-control or lack thereof. However, when used in conjunction with the terms “justice,” “ethics,” and “honesty,” the doctrine of *ejusdem generis* restricts the term to traits and conduct pertaining to personal and professional integrity, and not to volatility of temperament or lack of anger management skills.

Finally, it appears inappropriate for the hearing Master to address Petitioner’s assertion that Judge Bradfield’s conduct constitutes, “Misconduct in office, as defined by the Michigan Constitution of 1963, as amended, Article 6,

Section 30, and MCR 9.205. Section 30 of Article 6, paragraph 2, vests in the Judicial Tenure Commission the authority to make such determinations, and to make recommendations to the Michigan Supreme Court for any proposed disciplinary action against a judge of the State. Accordingly, the record, together with the Master's findings of fact and conclusions of law are respectfully submitted to the Judicial Tenure Commission for such consideration and further action, if any, as the Commission shall deem appropriate.

September 22, 2005

  
Judge J. Richard Ernst, P13220  
Master, by appointment